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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,377	02/25/2004	Jonathan C. Burrell	702.316	3390
38933	7590	09/06/2007		
GARMIN LTD. C/O GARMIN INTERNATIONAL, INC. ATTN: Legal - IP 1200 EAST 151ST STREET OLATHE, KS 66062			EXAMINER WEISKOPF, MARIE	
			ART UNIT 3661	PAPER NUMBER
			MAIL DATE 09/06/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/786,377	Applicant(s) BURRELL ET AL.	
	Examiner Marie A. Weiskopf	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 15-17, 19-44, 46-50, 56, 57 and 63-65 is/are rejected.
- 7) ☒ Claim(s) 10, 13-14, 18, 45, 51-55, 58-62 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The declaration filed on 6/20/07 under 37 CFR 1.131 is sufficient to overcome the Lee et al (US 6,837,827) reference.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 6-7, 26-33 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Mault et al (US 2001/004970). Mault et al discloses:

- In regard to claim 1, a wearable electronic device comprising:
 - A location determining component operable to determine a geographic location of the device (paragraph 33)
 - An elongated housing which encloses the location determining component (paragraph 31; Fig. 1)
 - A strap operable to removably attach the housing to a user's forearm (Fig. 1, paragraph 31)
- In regard to claim 2, the device having at least one input to operate the location determining component (paragraph 31)

- In regard to claim 3, the device having a plurality of inputs positioned on the housing such that they may be accessed by the user during exercise or other activity (paragraph 31)
- In regard to claim 4, the housing having a front side with a plurality of inputs positioned thereon, such that the plurality of inputs may be accessed by the user during exercise or other activity (Fig. 1, paragraph 31)
- In regard to claim 6, the device having a display positioned such that it may be viewed by the user during exercise or other activity (Fig. 1)
- In regard to claim 7, wherein the display is positioned on a top face of the housing (Fig. 1)
- In regard to claim 26, a wearable electronic device comprising:
 - A location determining component operable to determine a geographic location of the device (paragraph 33)
 - An exercise performance monitor component operable to calculate performance information (paragraph 38)
 - An elongated housing which encloses the location determining component (paragraph 31; Fig. 1)
 - A strap operable to removably attach the housing to a user's forearm (Fig. 1, paragraph 31)
- In regard to claim 27, wherein the exercise performance monitor component is operable to calculate performance information comprising total distance, total distance goals, speed and speed goals (paragraphs 38 and 66)

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- In regard to claim 28, wherein the exercise performance monitor component is operable to interface with the location determining component to receive the geographic location information (paragraph 38)
- In regard to claim 29, wherein the exercise performance monitor component is operable to calculate performance information based on the geographic location information (paragraph 38)
- In regard to claim 30, wherein the strap is operable to secure the housing to the user's forearm (Fig. 1, paragraph 31)
- In regard to claim 31, wherein the device includes at least one input to operate the location determining component and exercise performance monitor component. (paragraph 31)
- In regard to claim 32, wherein the device includes a plurality of inputs positioned on the housing such that they may be accessed by the user during exercise or other activity (paragraph 31, Fig. 1)
- In regard to claim 33, the housing having a front side with a plurality of inputs positioned thereon, such that the plurality of inputs may be accessed by the user during exercise or other activity (Fig. 1, paragraph 31)
- In regard to claim 35, the device having a display positioned such that it may be viewed by the user during exercise or other activity. (Fig. 1)
- In regard to claim 36, wherein the display is positioned on a top face of the housing (Fig. 1)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mault et al (US 6,513,532). In regard to claims 5 and 34, Mault discloses in a second embodiment having a front side and a top face with a plurality of inputs positioned on the front side and the top face such that the plurality of inputs may be accessed by the user during exercise or other activity (paragraph 36, Fig. 3A). It would have been obvious to one having ordinary skill in the art at the time of the invention to put the input buttons wherever is easiest for the user to access and to also use the top face and side face for more options for the user as recognized by Mault et al in the second embodiment.

6. Claims 8-9 and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mault et al (US 6,513,532) in view of Stubbs (US6,736,759). Mault et al fails to specifically disclose that the display is an LCD display and is capable of being viewed from multiple angles, however, this is very well known in the art and is taught by Stubbs. (Column 22, lines 1-25) It would have been obvious to one having ordinary skill in the art at the time of the invention to use LCD displays and have the face of the device be able to be viewed from multiple angles for ease of the user and also since this technology is very well known in the art.

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7. Claims .. are rejected under 35 U.S.C. 103(a) as being unpatentable over Mault et al (US 6,513,532) in view of Magnusson (6,580,664).

- In regard to claims 10, 11, 39 and 40, Mault et al fails to disclose the display is coupled with the location determining component to display geographic information and wherein the display is operable to display the geographic information. Magnusson, however, discloses a timepiece with pager and global positioning system. This timepiece is capable of displaying the GPS information. (Column 3, line 65 – column 4, line 12) It would have been obvious to one having ordinary skill in the art at the time of the invention to display the geographic information for the user so that they would know where they were when using the diet and exercise monitoring system and be able to specifically monitor how far they have gone.
- In regard to claim 15, Mault et al discloses a wearable electronic device comprising:
 - A location determining component operable to determine a geographic location of the device (paragraph 33)
 - An elongated housing which encloses the location determining component (paragraph 31; Fig. 1)
 - A plurality of inputs operable to operate the location determining component, wherein the inputs are positioned on the housing such that the inputs may be operated by the user with one hand (Fig. 1, paragraph 31)

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- o A strap operable to removably attach the housing to a user's forearm (Fig. 1, paragraph 31)

Mault et al fails to specifically disclose a display operable to display the geographic location information, wherein the display is positioned on the housing such that it may be easily viewed from multiple angles by a user during exercise or other activity. Magnusson, however, discloses a timepiece with pager and global positioning system. This timepiece is capable of displaying the GPS information and further it is inherent the time piece would be viewable from multiple angles otherwise the user would continually have to hold the time piece as the correct angle to view it. (Column 3, line 65 – column 4, line 12) It would have been obvious to one having ordinary skill in the art at the time of the invention to display the geographic information for the user so that they would know where they were when using the diet and exercise monitoring system and be able to specifically monitor how far they have gone.

- In regard to claim 16, Mault et al discloses wherein the location determining component comprises a GPS receiver (paragraph 33)
- In regard to claim 17, Mault et al does not specifically disclose wherein the GPS receiver is operable to receive a signal from two or more members of an array of orbiting satellites but it well known and common in this art to allow any GPS receiver to receive a number of signals from orbiting satellites in order to determine the position of the user as accurate as possible.

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- In regard to claim 19, Mault et al discloses wherein the device includes an antenna coupled with the location determining device (paragraph 33)
- In regard to claim 20, Mault et al discloses wherein the antenna is enclosed entirely within the housing such that the antenna does not contact the user (paragraph 35)
- In regard to claim 21, Mault et al does not specifically disclose that the antenna is positioned within the opposite housing of the display, however, this would have been obvious to one having ordinary skill in the art at the time of the invention. Having the display and the antenna on one side of the housing would take up a lot of room and make the wearable electronic device bulky, however, putting them on opposite housings would allow for a smaller design.
- In regard to claim 22, Mault et al discloses wherein the elongated housing is shaped to fit on the user's forearm such that the device is securely supported by the user's forearm. (Fig. 1)
- In regard to claim 23, Mault et al fails to specifically disclose wherein the housing has a width between two and four inches, a height between one and two inches, and a depth between one-eighth of an inch and one inch. Mault et al discloses a wearable electronic device that can be worn on the user's wrist (Fig. 1). It would have been obvious to one having ordinary skill in the art at the time of the invention to make the device to be whatever size is necessary to fit all the components and be suitable for the user to wear.

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- In regard to claim 24, Mault et al discloses wherein the strap is operable to attach the housing to the user's wrist (Fig. 1)
- In regard to claim 41, Mault et al discloses wherein the display is coupled with the exercise performance component to display performance information. (Fig. 10)
- In regard to claim 42, Mault et al discloses a wearable electronic device comprising:
 - A location determining component operable to determine a geographic location of the device (paragraph 33)
 - An exercise performance monitor component operable to calculate performance information (paragraph 38)
 - An elongated housing which encloses the location determining component (paragraph 31; Fig. 1)
 - A plurality of inputs operable to operate the location determining component, wherein the inputs are positioned on the housing such that the inputs may be operated by the user with one hand (Fig. 1, paragraph 31)
 - A strap operable to removably attach the housing to a user's forearm (Fig. 1, paragraph 31)

Mault et al fails to specifically disclose a display operable to display the geographic location information, wherein the display is positioned on the housing such that it may be easily viewed from multiple angles by a user during exercise

or other activity. Magnusson, however, discloses a timepiece with pager and global positioning system. This timepiece is capable of displaying the GPS information and further it is inherent the time piece would be viewable from multiple angles otherwise the user would continually have to hold the time piece as the correct angle to view it. (Column 3, line 65 – column 4, line 12) It would have been obvious to one having ordinary skill in the art at the time of the invention to display the geographic information for the user so that they would know where they were when using the diet and exercise monitoring system and be able to specifically monitor how far they have gone.

- In regard to claim 43, Mault et al discloses wherein the location determining component comprises a GPS receiver (paragraph 33)
- In regard to claim 44, Mault et al does not specifically disclose wherein the GPS receiver is operable to receive a signal from two or more members of an array of orbiting satellites but it well known and common in this art to allow any GPS receiver to receive a number of signals from orbiting satellites in order to determine the position of the user as accurate as possible.
- In regard to claim 46, Mault et al discloses wherein the device includes an antenna coupled with the location determining device (paragraph 33)
- In regard to claim 47, Mault et al discloses wherein the antenna is enclosed entirely within the housing such that the antenna does not contact the user (paragraph 35)

- In regard to claim 48, Mault et al does not specifically disclose that the antenna is positioned within the opposite housing of the display, however, this would have been obvious to one having ordinary skill in the art at the time of the invention. Having the display and the antenna on one side of the housing would take up a lot of room and make the wearable electronic device bulky, however, putting them on opposite housings would allow for a smaller design.
- In regard to claim 49, Mault et al discloses wherein the elongated housing is shaped to fit on the user's forearm such that the device is securely supported by the user's forearm. (Fig. 1)
- In regard to claim 50, Mault et al fails to specifically disclose wherein the housing has a width between two and four inches, a height between one and two inches, and a depth between one-eighth of an inch and one inch. Mault et al discloses a wearable electronic device that can be worn on the user's wrist (Fig. 1). It would have been obvious to one having ordinary skill in the art at the time of the invention to make the device to be whatever size is necessary to fit all the components and be suitable for the user to wear.
- In regard to claim 56, Mault et al discloses wherein the strap is operable to attach the housing to the user's wrist (Fig. 1)
- In regard to claim 57, Mault et al discloses a wearable electronic device comprising:

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- A location determining component having a GPS receiver operable to determine a geographic location information including a user's current geographic position (paragraph 33)
- An antenna coupled with the location determining component to assist the location determining component in receiving a signal (paragraph 33)
- An exercise performance monitor component operable to interface with the location determining component to receive the geographic information and calculate performance information based on the geographic information (paragraph 38)
- An elongated housing which encloses the location determining component, antenna and exercise performance monitor component (paragraph 31; paragraph 35; Fig. 1)
- A plurality of inputs operable to operate the location determining component, wherein the inputs are positioned on the housing such that the inputs may be operated by the user with one hand (Fig. 1, paragraph 31)
- A strap operable to removably attach the housing to a user's forearm (Fig. 1, paragraph 31)

Mault et al fails to specifically disclose a display operable to display the geographic location information, wherein the display is positioned on the housing such that it may be easily viewed from multiple angles by a user during exercise or other activity. Magnusson, however, discloses a timepiece with pager and

global positioning system. This timepiece is capable of displaying the GPS information and further it is inherent the time piece would be viewable from multiple angles otherwise the user would continually have to hold the time piece as the correct angle to view it. (Column 3, line 65 – column 4, line 12) It would have been obvious to one having ordinary skill in the art at the time of the invention to display the geographic information for the user so that they would know where they were when using the diet and exercise monitoring system and be able to specifically monitor how far they have gone.

- In regard to claim 63, wherein the elongated housing includes a contact operable to receive electrical power and data (paragraph 31)
- In regard to claim 64, wherein the location determining component is operable to receive information through the contact (paragraph 31)
- In regard to claim 65, wherein the exercise performance monitor component is operable to receive information through the contact (paragraph 31)

8. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mault et al in view of Stubbs et al and further in view of Magnusson. Mault et al discloses a wearable electronic device comprising:

- An elongated housing (Fig 1) having:
 - A top face (Fig 1)
 - A bottom face positioned opposite the top face (Fig. 1)
 - A front wall connected to the top face and the bottom face (Fig 1)

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- A rear wall opposed to the front wall, wherein the rear wall is connected to the top face and the bottom face (Fig. 1)
- A plurality of contacts positioned on the bottom face operable to receive electrical power and data (Paragraph 31)
- A pair of connection elements positioned on the bottom face operable to secure the housing (paragraph 31)
- A plurality of inputs positioned on the front wall (paragraphs 31, 35, 47)
- A location determining component based on GPS and adapted to determine a geographic location of the device, wherein the location determining component is housed with the elongated housing and interfaced with the plurality of inputs and display, such that the functionality of the location determining component is controlled by the plurality of inputs (paragraphs 31, 33, 35)
- An antenna coupled with the location determining component and enclosed by the housing such that the antenna may not come into contact with the user (paragraphs 33, 35)
- A strap operable to attach the connection element and couple with the housing to secure the housing to the user's forearm (Fig. 1, paragraph 36)

Mault et al fails to specifically disclose that the display is an LCD display and is capable of being viewed from multiple angles, however, this is very well known in the art and is taught by Stubbs. (Column 22, lines 1-25) It would have been obvious to one having ordinary skill in the art at the time of the invention to use

LCD displays and have the face of the device be able to be viewed from multiple angles for ease of the user and also since this technology is very well known in the art. Further, Mault et al fails to specifically disclose a display operable to display the geographic location information. Magnusson, however, discloses a timepiece with pager and global positioning system. This timepiece is capable of displaying the GPS information. (Column 3, line 65 – column 4, line 12) It would have been obvious to one having ordinary skill in the art at the time of the invention to display the geographic information for the user so that they would know where they were when using the diet and exercise monitoring system and be able to specifically monitor how far they have gone.

Allowable Subject Matter

9. Claims 12-14, 18, 45, 51-55, and 58-62 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: the prior art, individually or in combination, fails to disclose, teach or suggest wherein the device includes an entertainment component operable to execute at least one game and also wherein the location determining component is operable to determine the user's current geographic location, map the user's location on the display, chart a desired course of travel on the display, and find a desired location on a map generated on the display.

Response to Arguments

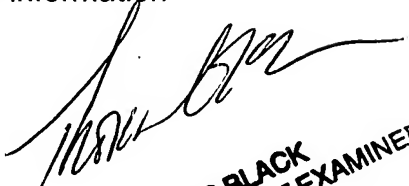
11. Applicant's arguments with respect to claims 1-65 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie A. Weiskopf whose telephone number is (571) 272-6288. The examiner can normally be reached on Monday-Thursday between 7:00 AM and 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MW



THOMAS BLACK
SUPERVISORY PATENT EXAMINER